

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 17 and 18 are presently active in this application.

The outstanding Action presents a rejection of Claims 17 and 18 as being anticipated by Bertram et al. (U.S. Patent No. 5,818,446, hereinafter Bertram '446) under 35 U.S.C. §102(b).

First of all, it is noted that the outstanding Action includes inappropriate reliance on Claims 1 and 6 of Bertram '446 as if the claims of this patent can serve as substitutes for the actual technical disclosure of Bertram '446. However, it is well settled that patent Claims serve an entirely different purpose from the technical disclosure, See *In re Benno*, 226 USPQ 683 (Fed. Cir. 1985) ("The scope of a patent's claims determines what infringes the patent; it is no measure of what it discloses.").

Secondly, Claim 17 requires that contents of an operation menu are transferred "based on an operation input received in response to the operation menu being selected." The Bertram '446 Claim 1 "loading/transferring" relied on in the outstanding Action is clearly disclosed at col. 7, lines 26-35, as follows:

In the invention, any user interface is changed by simply removing the currently active user interface and control code being executed in the processor and replacing it with a new user interface and control code without affecting the data being displayed. The user interface can be switched automatically in response to the receipt of a communicated desire to change the interface based on data content or format or it can be switched by the specific request of the user.

As further taught at col. 7, lines 36-44, of Bertram '446:

Automated user interface changes are implemented in the invention by providing software routines to respond to changes in data content or format from a data source such as a host, a server or a received URL content from a browser. To enable this function, each user interface is registered with a user interface selection control facility provided by the invention which is configured to detect changes in received content which correlate with factors that are associated with given user interfaces.

Thus, to the extent that Bertram‘446 teaches that contents of an “operation menu” being transferred “based on an operation input received in response to the operation menu being selected,” it is relative to the user interface change control facility selecting the new user interface in response to automatic detection or in response to user selection by having the new user interface (newly loaded or already loaded) replace the presently running user interface.

Claim 17 also requires there to be “a group of independent software objects” that are “to display the operation menu and to transfer the contents of the operation menu in response to the operation menu being selected,” with this transfer of the contents of the operation menu being controlled by “a menu flow software object,” while control of “processing of the operation input by the processor to create, change, and delete the input operation” is provided by “an operation software object separate from the menu flow software object” that functions “in cooperation with the menu flow software object to provide this “control.”

The outstanding Action first references Claim 1 and the Abstract of Bertram‘446 as teaching the claimed “group of independent software objects” that are “to display the operation menu and to transfer the contents of the operation menu in response to the operation menu being selected” in a manner suggesting reliance on the above-noted user interface change control facility operating with the software routines for the automated response noted at col. 7, lines 35-44.

The problem is that this automated interface change control facility operating with the software routines that automatically select the new user interface in response to an automatic detection to transfer contents only include selection software as to “file type” (box 71 of FIG. 4A), “content type” (box 72 of FIG. 4A), “data object” (box 73 of FIG. 4A), or “file name” (box 74 of FIG. 4A), and these software routines are not disclosed to cooperate with any other programs to control processing of the operation input by the processor so as to “create,

change, and delete the input operation.” Nothing in the general stated result of Col. 7, lines 8-10, as to switching “to a different user interface based on a content transition” changes this disclosure of such automated switching.

Further, to whatever extent that Bertram‘446 teaches the later processing box 79 of FIG. 4B is used to suspend the currently active user interface, there is no teaching or suggestion of this processing in box 79 to be found in Bertram‘446 as to this suspension of the active user interface cooperating with any of the automated selections of boxes 71-74 at all, much less so as to “create, change, and delete the input operation” as Claim 17 requires. Instead, this suspension is done at “an appropriate point in its operation from which it can be resumed” (col.10, lines 59-62). This resumption is shown as box 83 of FIG. 4B and is explained in the example set forth in col. 11, lines 38-44 as follows:

From this point, the screen of the display appears as shown in FIG. 2. When the child begins to use the computer, and will interact with that interface 3 until done. When the child does leave the computer, the parent may type the key sequence for switching back to the standard user interface or, if provided, could click on an icon for returning automatically to the standard user interface.

Clearly, the suspended interface is not what is passed as the queued contents and the new user interface 3 is maintained until the new user completes their new use. Thus, suspended interface 2 does not “function with the control facility” and does not determine any thing as to contents to pass anywhere as it is not reactivated until after it is switched back to active from suspended.

That being the case, the attempted reading of the Claim 17 “operation software object separate from the menu flow software object and functioning in cooperation with the menu flow software object to control processing of the operation input by the processor and to create, change, and delete the input operation” on “79, suspended interface and Fig. 4B” at page 3 of the outstanding Action is clearly without merit. Also without merit is the

contention at page 4 of the outstanding Action that there is a disclosure by Bertram '446 as to passing the content requests (not contents as urged at page 4) to the new interface (via 85, 86) results in cooperation between the suspended interface and the selection control facility. All that Bertram '446 teaches as to the passed content request is that it is displayed, not that the asserted cooperation with either the suspended interface or the selection control facility occurs. See col. 9, lines 30- 36 noting that:

All of the outstanding requested content which may be pending URL requests for the currently active user interface should be held in a queue during the transition to the new user interface. After the new user interface is activated, the queued requests may be passed to the new user interface for display.

Page 4 , lines 3-6 make reference to col. 7, lines 54-57, as somehow supporting the PTO interpretations that the passing of the queued content requests to the new interface requires the suspended interface (interpreted to be the operation software objects) to be functioning with the selection control facility. Instead, col. 7, lines 54-57, simply indicate that selecting a user's homepage can result in the homepage display along with a display of the user's interface. Selecting a homepage is not an operation that can be read on the actually taught "queued requests may be passed to the new user interface for display."

Thus, the outstanding Action violates precedent because the arrangement of Claim 17 requires a "menu flow software object configured to control the transfer of the contents of the operation menu" with the above-noted Claim 17 "operation software object separate from the menu flow software object and functioning in cooperation with the menu flow software object to control processing of the operation input by the processor and to create, change, and delete the input operation" to thus manage the operation input." As noted above, there is no teaching or suggestion to be found in Bertram '446 that the software process of FIGS 4A and 4B create a new interface that cooperates with a suspended interface, much less cooperation

with the selection control facility to control any processor processing, much less the required control "to create, change, and delete the input operation."

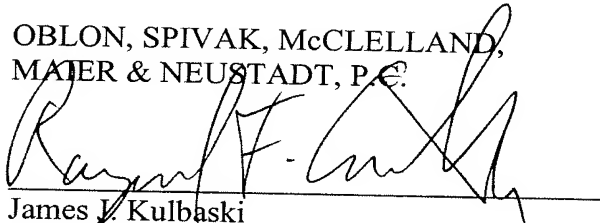
As noted in the outstanding Action, Claim 18 is of similar scope as Claim 17. Accordingly, Bertram '446 does not teach the subject matter of Claim 18 for all the reasons noted above.

Thus, the outstanding rejection of Claims 17 and 18 as being anticipated by Bertram '446 under 35 U.S.C. §102(b) is traversed as being clearly improper and withdrawal thereof is respectfully requested.

As no further issues are outstanding in the present application, it is believed to be clearly in condition for formal allowance. Accordingly, an early and favorable action to that affect is therefore earnestly and respectfully requested.

Respectfully submitted,

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